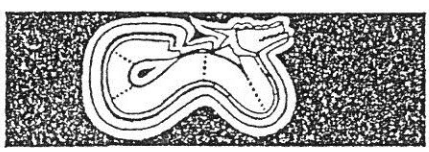
TEN YEARS ON

A Supplement to the 1979 Kenbi Land Claim Book

Prepared on behalf of the Northern Land Council
by Michael Walsh
with assistance from Frank McKeown and Elizabeth Povinelli



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DEDICATION

The *1979 Kenbi Land Claim Book* was dedicated to all those people "who did not live to participate as they would have wished in the formal land claim hearing". Several people were specifically mentioned. In 1989 the names of many others can be added. They include Bobby Secretary, Paula Thompson, Kathleen Secretary, Roy Yarrowen, Roy Burrburr, George Munggalu, Peter Fejo, Nipper Rankin, Delphin Cubillo, Captain Bishop, Norman Harris, Peggy Wilson, Ababa, Jimmy Singh, Roy Madbulg, Roy Bilbil, Gudang, Robert Shepherd, Marcia Yarrowen, John Rankin, Kitty Kilili, Lindy Roman, Rusty Moreen, Harold Woodie, Billy Bilbil and George Gamburduk. Just prior to publication of this document, the authors learned that Olga Gudbiling Singh died on Friday 28 April at Belyuen. No other person worked harder than Olga Singh over the past 10 years to make this land claim succeed.

ACKNOWLEDGEMENTS

Our continuing thanks go to the long-suffering claimants for Kenbi and the people of Belyuen.

We also thank those who have helped with a range of inquiries connected with this report: Barbara Bartels, Mark Harvey, Ian Keen, Mari Marett, Bill Turner, Adrienne McConvell, Lys Ford, Toni Bauman, Maria Brandl, Christine Wilson, Jane Lloyd, Kim Barber, Angus Green, the staff of the Aboriginal Sacred Sites Authority, Australia Archives (Darwin), Department of Aboriginal Affairs (Darwin), Northern Land Council, the Northern Territory Archives, and the Belyuen Community Counci and Health Clinic.

Special mention must be made of Patrick McConvell, Georgina Kaissis, Cynthia Coyne, Darryl Heatherley, Ros Fraser, June Hicks, Virginia Mayger, Jodie Dowling, Jo-Ann Adams and Gina Ygoa for providing technical support to this report.

SOME CONVENTIONS

KENBI ISLANDS — all the land currently claimable in the Kenbi claim (specified in section 1.4) The term includes all the islands, reefs and other forms of land in the Port Patterson-Bynoe Harbour area which are unalienated Crown land.

KG — Kenbi Genealogy. KG followed by a number specifies one of the Kenbi Genealogies in the separate submission eg. KG2 Secretary Family.

KENBI 1979 — the Kenbi Land Claim Book by Brandl, Haritos and Walsh.

SITE REFERENCES — Refer to numbers in Kenbi (Islands) Site Register and Site Map.

CHAPTER ONE: INTRODUCTION

1.1 Outline of the Report

This report supplements the *1979 Kenbi Land Claim Book* (hereafter referred to as *Kenbi 1979*). We endeavour to update *Kenbi 1979* both in terms of the factual history of the claim and of the development of the land claim process in the ensuing 10 years. We pay particular attention to the development of the role of the Larrakia who were not included as claimants in 1979. We also focus on the continuing role of the people of Belyuen.

In this report we present a different model of local descent group from that presented in *Kenbi 1979*, that of the Larrakia language group. Whilst a finding of traditional ownership is a matter for the Aboriginal Land Commissioner, we feel that, given the events of the last 10 years, the Larrakia language group best conforms to the requirements of the definition of traditional ownership in the *Aboriginal Land Rights (Northern Territory) Act 1976*.

Where appropriate, sections of *Kenbi 1979* are referred to and updating or amending information provided. However, this supplement does not cross-reference every section of *Kenbi 1979*. Therefore, it is important to note that the claimants continue to rely on the material set out in *Kenbi 1979* except in so far as we have varied or amended that material in this report.

At the time of writing, litigation relating to the validity of the 1978 Darwin town boundaries and their effect on the status of the land under claim on the Cox Peninsula is still unresolved. As a result, the claimants wish to present the Islands claim to the Aboriginal Land Commissioner separate from the mainland. The focus of research for preparation of this book has therefore been on the Islands.

1.2 History of the Claim

Some of the background to the Kenbi claim has already been laid out in *Kenbi 1979* (op. cit: 1-3). Following is an updated summary of the most significant events:

1942 Following the bombing of Quail Island (Site 12) by the RAAF the Larrakia demanded land rights (ibid: 104-105).

1973 Aboriginal people in the claim area asked Mr Justice Woodward for rights to a large area of land including the Cox Peninsula.

1976 On 23 September the Northern Land Council formally lodged a claim to "areas of land at Cox Peninsula and nearby islands" with Mr Justice Ward, the Interim Aboriginal Land Commissioner.

1977 On 7 April 16 square miles is gazetted as Delissaville Reserve, Schedule 1 land under the *Aboriginal Land Rights (Northern Territory) Act 1976*.

1978 The Northern Land Council prepared a claim for Dum-in-Murrie Island (subsequently incorporated in the Kenbi Land Claim). On 29 December the Northern Territory Government extended the Darwin Town Boundary enveloping that part of the claim area which involved the Cox Peninsula. The areas specified covered 4,350 square kilometres. Prior to this extension the town of Darwin covered 142 square kilometres.

1979 On 20 March the Northern Land Council formally made application to the

Aboriginal Land Commissioner to claim an area of land including the Cox Peninsula and adjacent islands. By the end of December the *Kenbi Claim Book* had been completed.

Aboriginal Land Commissioner Mr Justice Toohey held that the land within the 1978 town boundaries was land in a town and not unalienated Crown Land and therefore could not be claimed under the *Aboriginal Land Rights (Northern Territory) Act 1976*.

In August, the Gwalwa Daraniki Association received a Special Purpose Lease to Kalalak (site 43), the culmination of some eight years of public agitation by Darwin Larrakia (q.v. 2.4.1).

Administrative control over the Delissaville Reserve passed from the Department of Aboriginal Affairs to Delissaville Community Council, subsequently renamed Belyuen Town Council.

1980 *Kenbi 1979* was published and distributed as widely as possible.

1981 The High Court of Australia, on an application by the Northern Land Council, directed the Aboriginal Land Commissioner to exercise his jurisdiction under the *Aboriginal Land Rights (Northern Territory) Act 1976* and hear the claim.

1982 The sacred site known as Old Man Rock (Nanggalinya Site 41) was registered in February, following expressions of concern from Larrakia. The Larrakia had received assurances at the time of their application before the Interim Aboriginal Land Commissioner Mr Justice Ward that the site would be protected as part of a coastal reserve. However, subsequent build-up in tourist use of the Casuarina Beach area led the Larrakia to seek registration (q.v. 2.4.3).

1983 On 23 August a number of people associated with the Larrakia Association wrote to the Northern Land Council seeking to be recognized "as additional Traditional Owners in the Kenbi Land Claim"..

1987 In April, Mr Justice Maurice, the Aboriginal Land Commissioner, commenced hearing argument as to the validity of the Town Boundary Regulations.

1988 In October, Aboriginal Land Commissioner Mr Justice Olney heard argument on the question of the validity of the Town Boundary Regulations.

In December, Mr Justice Olney gave judgment in favour of the claimants and held that the 1978 Town Boundary Regulations were made for an improper purpose, were not therefore valid and that as a result the land claimed on the Cox Peninsula was validly claimed and was not within a town.

The Northern Territory Government appealed against the decision of Mr Justice Olney.

As a result of the continuing litigation over this matter, the claimants are unable to present their claim for the Cox Peninsula land. However, they have asked the Aboriginal Land Commissioner to hear their claim for the Islands since these are not affected by the Town Boundary Regulations and the ensuing litigation, and can thus be heard without further delay.

1.3 Language groups in the claim area

In *Kenbi 1979* the language groups were identified under the two major headings of the Larrakia and the Wagaidj (ibid:6). We point out here that the term Wagaidj is used in the present report in the sense of "a local Aboriginal name covering people from a

number of distinct language communities" living at Belyuen, including the Wadjigiyn (Bachamal), Kiyuk, Amiyanggel, Mandayanggel, Marridjabin and Marriamu.

The term Wagaidj is esentially an ecological label (wagaidj = beach) so that while it can be a useful short-hand term of reference for the groups named above the primary basis of group identification is through *language* (q.v. 3.4).

1.4 Area under claim

Unalienated land on the Cox Peninsula covering an area of approximately 800 square kilometres.

Islands and reefs in the Bynoe Harbour-Port Patterson Region being:-

1. Dum-In-Mirrie Island
2. Beer Eatar Island
3. Grose Island
4. Unnamed island
5. Bare Sand Island
6 Unnamed island
7. Quail Island
8. Indian Island
9. Turtle Island
10. Knife Island
11. Dawson Rock
12. Crocodile Island
13. Guilfoyle Reef
14. Kiara Rock
15. Pittard Spit
16. Simms Reef
17. Roche Reef
18. Moira Reef
19. Kellaway Reef
20. Middle Reef

As stated in 1.1 and 1.2 the claimants propose to present the evidence in support of the claim in two parts, firstly to the Islands and later, subject to the outcome of litigation, to the Cox Peninsula.

CHAPTER TWO:
HISTORY OF THE CLAIM AREA

The history of the Aboriginal population of the Darwin region, including the claim area, and the impact of the presence of European and other groups is documented in chapters four and five of *Kenbi 1979*. We refer our readers to those chapters for a full account of these matters and simply provide a summary of the main points here. We also examine the events of the 10 years since the writing of *Kenbi 1979* as they relate to the claim area.

2.1 The original inhabitants

The archaeological record suggests occupation from at least 20,000 years ago (ibid:77).

Written accounts date from 1819, with King's sightings of Aborigines in the Bynoe Islands (ibid:78).

2.2 Non-Aboriginal settlement

Soon after the settlement of Darwin in the 1870s, European mining and pastoral industries were established on the Peninsula and Islands (ibid:79-83).

Pastoral use of the Islands was particularly significant and by 1901 Grose, Quail and Indian Islands were being exploited for such items as timber, coconuts and livestock (ibid:80-82). By 1920, P.H. Mitchelmore, well remembered as a former employer of a number of Aborigines intimately associated with this claim (see separate submission on oral histories), had leases on Quail (site 12) and Grose Islands, and an area around Point Charles (site 48) and also occupied Dum-in-Mirrie Island (site 1) (ibid:83).

The Islands and Peninsula also have a long history of European use for communications and recreation. Charles Point lighthouse was established in 1893 (ibid:81) and is still maintained today. Documentary evidence of recreational use dates from the 1890s (ibid:84).

2.3 Effect of non-Aboriginal presence

The principal effects on the Larrakia and other Aboriginal people in the claim area have been dislocation from country and traditions and a dramatic decline in numbers.

Dislocation occured principally as a result of government policies and the pattern of employment (ibid: 87-93).

Government policies on the removal of part-Aboriginal children dating from at least the early 1900s (ibid: 107) have greatly affected the claimants. A number of generations of Larrakia and Wagaidj children have been institutionalised in a series of homes, including Kahlin Compound, Bagot and Retta Dixon (ibid:142-2).(For details of these homes see separate submission.)

Government actions in gazetting reserves outside the Darwin area such as the Larakeah and Batchelor Farm Reserves were also apparently aimed at removing the Larrakia from the Darwin region (ibid:138-141).

For those Larrakia who became involved in and eventually dependent upon employment, the concentration of employment opportunities in the Darwin town area tended to focus them away from the claim area. Even those who sought employment within

the claim area had less time for foraging activities and other traditional pursuits (ibid: 87– 93).

Developments such as these tended to concentrate the Larrakia within the Darwin town area and combined to hinder the full maintenance of their links with the claim area and its traditions. However, while it is these factors which have probably had the most far-reaching consequences over time for the claimants, the most dramatic example of dislocation occurred when the government evacuated most of the population of the claim area in 1942 for the duration of World War II (ibid: 99– 104). The Larrakia and Wagaidj were principally relocated to Katherine, but some were also sent to Port Essington, Koolpinyah, Adelaide River, Pine Creek, Mataranka, Tennant Creek and as far away as Balaclava in South Australia and Alice Springs (ibid:99-101).

The people of Belyuen recall this period with some ambivalence, as the following account by Povinelli (see separate submission) clearly testifies:

> At the beginning of World War II, the army arrived at the old Delissaville plantation where many Aborigines of Larrakia and non-Larrakia descent had been settled. These Aborigines as well as those camping at Charles Point Lighthouse (site 48), Kunggul Beach (site 51), Binbinya (site 45), Indian Island (site 30), and Dum-in-Mirrie (site 1) were rounded up. Belyuen resident Maggie Timber recalls how the "army trucks were lined up, one, two, three, oh dawal dawal (many, over six)". Men, women and children were crammed into these transport vehicles, and as both a humorous and telling anecdote, informants say that the men and women were "only allowed to take one dog; big fires were made for the rest." The trip down to Katherine is recalled as a dusty tedious journey into a dry, unfamiliar landscape. Once they arrived, camp life in the holding centre was marked by strict rules concerning movement, and a curtailment of ceremonial and foraging activity. However, the army camps were better run, and their detainees better treated than most pastoral and government stations. Older Belyuen members who lived in these camps say that they were "good places". (But see separate submission on oral histories for some of the other negative features of army camp life).

Berndt and Berndt (1987: 171-2) also report on this period:

> A taste for better conditions (at the army camps) made it even more difficult to return to what were considered to be pre-war situations as epitomised by the pastoral stations at one end of a continuum and Darwin city at the other. The attractions of returning to their homelands proved at first to be overwhelmingly important. However, except for Arnhem Land, Port Keats and the Daly River, along with Melville and Bathurst Islands, it meant, in fact, going back to what they had lived through before they came to the Army settlements. At the time, many Aborigines were not prepared to continue as they had done during the pre-war period.

This period is also recorded in the oral traditions of the Larrakia and Wagaidj as the commencement of the bombing of one of their most sacred places, Quail Island (site 12), by the RAAF (*Kenbi 1979,* op.cit:104-5).

Morbidity rates among the Larrakia have been particularly dramatic over the last century, and must at least in part be explained by the intensity and length of European settlement in the Darwin area relative to other parts of the Northern Territory (ibid:112-113).

Contributing factors include the introduction of alcohol, tobacco, opium and foreign diseases (such as smallpox, venereal disease, tuberculosis, bronchitis, influenza, measles, hookworm, leprosy, typhoid and dysentery) with fatal consequences for the Larrakia (ibid:94,95-98).

Despite the ravages of disease and dislocation the authors of *Kenbi 1979* (ibid: 120) were able to conclude:

> The Aborigines of the Darwin area appear to be great survivors. From the earliest days of non-Aboriginal settlement there have been many factors at work which **should** have worn away the social fabric: dislocation and exclusion from one's country; debilitating diseases: smallpox, leprosy, veneral diseases; prostitution and intermarriage with non-Aborigines; drugs such as alcohol and opium etc. But traditional life **has** continued; traditional owners to land continue; ceremonies, songs and names of places are remembered and this knowledge continues to be transmitted. Aboriginal people of the claim area have adapted to changing circumstances as their ancestors did before them. As their ancestors passed the traditions associated with their land to them, they, too, will pass on their knowledge to the generations to come.

2.4 Recent History

2.4.1. Kalalak

When *Kenbi 1979* was written, the Larrakia living in Darwin had yet to receive any Government recognition of their prior ownership of the town area. They had, and continue to have, close assocations with the Bagot Reserve (ibid:143) but it was not until the creation of Kalalak Special Purpose Lease that the Larrakia's aspirations gained some degree of recognition.

In August 1979, at a ceremony to mark the handover of title to the special purpose lease, the then Northern Territory Chief Minister, Paul Everingham announced: "The Land on which Darwin is situated belonged to the Larrakia before the white man first came to the Northern Territory, and now Mr Bobby Secretary (KG2) is to receive the title to part of this land" (Henderson 1984:52).

The Kalalak area includes a former ceremonial ground which was 'transferred' to the Cox Peninsula. The area also contains a number of other sites of significance. One of these sites, a water snake dreaming, was damaged by gradings created when the access road was sealed in 1983. In 1988 further roadworks threatened a number of other sites but at the requests of senior Larrakia Topsy Secretary (KG 2) , Richard Barnes (KG 36) and Olga Singh(KG 3), the Aboriginal Sacred Sites Authority sought to divert the road works away from the sites. The struggle to secure and protect the land at Kalalak has been a protracted affair, and continues to some extent as urban encroachment develops.

Since 1979 at least four Larrakia people have been buried at Kalalak:

Bobby Secretary (KG2)
Kathy Secretary (KG2)
Harriet Ababa Shepherd KG6a)
Norman Quall (KG12)

A smoking ceremony has been carried out for Kathy Secretary.

With the passing of Bobby Secretary the senior responsibility for land in the Darwin area passed to Topsy Secretary. Topsy's daughter, Kathy Secretary had been president of the Gwalwa Daraniki Association which manages the Kalalak area. This position is now held by her son Christopher Shields (KG 2).

Recent and considerable development has occurred on the Kalalak lease. It now includes an office, a shop and about 15 houses. The most recent developments include the Minmarama Village and the Juninga Centre (so named after the Larrakia personal names of the late Kathleen Secretary and Topsy Secretary respectively). The Minmarama Village has been established approximately two kilometres to the south of the Kalalak community and provides accommodation for transients. The Juninga Centre, built on that part of the lease adjoining the Bakhita Centre, operates as a nursing home.

2.4.2. Emery Point (Gundal)

An application for land on Emery Point was made before Interim Land Commissioner R.C. Ward in 1975 because of its significance as a ceremonial ground for 'men's business'. One of the ceremonial leaders, George Munggalu, expressed his concern about this site to the Sacred Sites Authority in 1981. After lengthy negotiations with the Aboriginal Sacred Sites Authority and further visits to the ceremonial ground with a number of older men including George Munggalu and Roy Madbulg (now both deceased), the army agreed to Aboriginal access under specified conditions. Richard Barnes, current vice-president of the Larrakia Association, and close associate of George Munggalu before his death, has now taken over responsibility for visiting this site.

In early 1986 a development application for the 'Darwin Marina Estate' was challenged by the Aboriginal Sacred Sites Authority because of its potential effect on Emery Point. In March 1987 Richard Barnes also objected. The future of the marina is unclear to the authors. However, if it does go ahead it seems certain that the Larrakia will protest unless protection of the Gundal site is guaranteed.

2.4.3 Nanggalinya (Old Man Rock)

In February 1982 the rock formation off Casuarina Beach known as Nanggalinya or Old Man Rock (site 41) was registered as a sacred site by the Aboriginal Sacred Sites Protection Authority. The registration of Nanggalinya was the culmination of representations by Larrakia Aborigines which go back to at least 1975 when a claim was lodged with the Interim Land Commissioner.

Richard Barnes has taken a very active interest in the protection of Larrakia sites in the Darwin area and in January 1985 he contacted the Sacred Sites Authority at least twice because of the possibility of burning off in the Casuarina beach area. George Munggalu had been particularly concerned about burning off in this area since there had apparently been a traditional ban on this activity. In July 1985 Barnes reported a fire within the area and repeatedly contacted the Fire Brigade and Conservation Commission staff over the matter.

In early 1986 Barnes again wrote to the Aboriginal Sacred Sites Authority to protest about a development involving a Surf Lifesaving Club building at Casuarina Beach. He followed this up with further correspondence through the year. In this protest he was supported by the Larrakia Association.

In late 1987 the Authority received a request to collect oysters from Nanggalinya as part of a research project conducted through the Darwin Institute of Technology. After consultation with Topsy Secretary the request was refused.

However, it should be noted that most requests to carry out research are readily accepted. Indeed Topsy was happy enough for the research team to collect oysters off

other rocks in the area but vetoed this particular request because of the special significance of Nanggalinya, and subsequently out of concern for the well-being of the researchers who, in the Larrakia view, would have put themselves in danger by their proposed actions.

2.4.4. Leanyer (Sunrise Rock)

Concern was expressed in 1980 when quarrying was taking place at Leanyer Tip near a rock of special significance to the Larrakia. The rock is associated with a Mosquito Dreaming. In mid 1985 Kathleen and Topsy Secretary sought registration of the rock as a sacred site and this was formally approved by the Sacred Sites Authority.

2.4.5. Mindil Beach

In early 1981 after an approach from Mrs Rivers, a senior Wadjigiyn, the Aboriginal Sacred Sites Authority investigated the Mindil Beach area because of potential disruption of burial sites through the development of the Darwin Casino. The Authority was able to establish from police records that some 11 Aboriginal burials had been disturbed over a four year period from 1977 to 1980. At least some of these are Wagaidj or Larrakia. A list compiled during a series of meetings with Larrakia and Wagaidj elders, including the late Bobby Secretary , Topsy Secretary, Maudie Bennett (KG 3), Norman Harris and Margaret Rivers names 15 Wagaidj people and 12 Larrakia people buried at Mindil Beach.

In 1982 negotiations were entered into with the casino developers to set aside a special memorial area for the burials. A number of Pukamani poles were eventually erected to mark Tiwi burials, but despite constant lobbying by the claimants, to our knowledge nothing has been done to specifically acknowledge the Larrakia and Wagaidj burials.

2.4.6. Larakeah Reserve

Originally declared in 1892 the Larakeah Reserve seems to have been little used by the Larrakia over its first 90 years as a reserve. A number of reasons for this are given in *Kenbi 1979* (op.cit:140) but the principal reason seems to have been that the Reserve, land-locked and many kilometres from the sea was not appropriate given the strong coastal focus of the Larrakia. The Reserve, which covers approximately 52 square kilometres, is located at the junction of the Manton and Adelaide Rivers. It can be reached by road, some 76 kilometres from Darwin, but is often inaccessible during the wet season.

In recent years – at least since 1983 – the Larakeah Reserve has provided a focus for urban Larrakia aspirations for land. In July 1983 Kevin Quall (KG 14) set up camp at the Larakeah Reserve with several families including Mr Trevor Ally and his wife Rona (KG 12), Mr Willie Fejo and wife Mona (KG 25), Mr Sammy Fejo (KG 25), Mr Morris Fejo and his wife (KG 29), Mr Alf May and his wife Lucy and family (KG 12), Mr Les Mitchell and wife Maureen and family (KG 36), Mr Edward Fejo (Jnr) (KG 28), and and Mr Jim Fejo, his wife and four children (KG 25).

The recent interest in the Reserve arises from the general desire among the urban Larrakia for areas where they can continue to live, camp, hunt and fish and socialise their children into an Aboriginal lifestyle. They also want areas where they can be confident they will not be disturbed by unruly visitors and drunks. As Kevin (Tibby) Quall has put it "we town people have always stayed here and have continued to live off the land but it is getting harder and harder because the town land is being taken over – we must look elsewhere".

To assist Larrakia people to make use of the Reserve, the Larrakia Association purchased a vehicle through the Aboriginal Benefits Trust Account. In the past Aboriginal people did not have ready access to vehicles so that given the relative remoteness of the Reserve they were not able to make use of it.

2.4.7 Palmerston

Another encroachment on Larrakia land is the development of Palmerston. Marlowes Lagoon has been identified as a sensitive area. The Palmerston area generally is activated by the travels of a Larrakia man from Kakadu country. Darwin Larrakia are dismayed that the land is being cut by roads and that the character of the area is being altered by the build-up of the satellite town.

2.4.8 Bagot Reserve

A number of people of Larrakia descent have lived at Bagot Reserve over the years. Some of these have since moved into Darwin suburbs. A senior Larrakia and leader of female ceremonial business, Josephine Rankin, continues to live at Bagot with her two daughters (KG 52). In December 1987, the Administrator formally revoked the Bagot Reserve. The authors are unsure what the effect of this will be but one possibility is that it will generate additional pressure for land in the greater Darwin area from Larrakia people.

The recent history of the Larrakia is one of determination to obtain and protect land and sites in the Darwin area, including Palmerston and Acacia Gap. At the same time the the Wagaidj have continued to maintain and protect land and sites on the Peninsula and Islands, together with and on behalf of the Larrakia.

2.5. Use of claim area

In this section we outline the current Aboriginal use of the Islands and the Cox Peninsula. This can be neatly sub-divided under the headings of residential, economic and cultural uses of the claim area.

In summary, the Wagaidj and Larrakia residents of Belyuen and many of the Larrakia based in Darwin reside, at different times of the year, at various places in the claim area, principally along the coast of the Cox Peninsula and on the Kenbi Islands chain.

The people of Belyuen have permanent residences on Schedule 1 land. However, partly because this Schedule 1 land is land-locked they also maintain semi-permanent outstations along the coast of the Peninsula, in particular along its western section. These outstations also function as staging posts for their regular hunting trips to the islands.

The Larrakia resident in Darwin also forage regularly on the Islands, but usually embark on these journeys from a base on the Darwin side of the harbour.

The people of Belyuen, both Wagaitj and Larrakia, are engaged almost daily in protection and custodianship of the Islands, but are also assisted by the Larrakia resident in Darwin as included among those rightly responsible for the country.

2.5.1 Residential Use

Belyuen

Chapter five of *Kenbi 1979* (op.cit:121-135) provides a history of the formation of the government settlement at Delissaville from 1941 through to the official gazettal on 7

April 1979 as Schedule 1 land under the *Aboriginal Land Rights (Northern Territory) Act 1976*. Since then, the Delissaville Community, now known as Belyuen, has undergone growth and consolidation. In 1979, control of the community was transferred from the Department of Aboriginal Affairs to the Aborigines living there who renamed the community Belyuen after an important Larrakia sacred site on the former Reserve (site 42). The shift in names is indicative of the continuance in the community of Wagaidj and Larrakia traditions (q.v. 2.5.3). Belyuen was the personal name of the late Crab Billy Belyuen Namanbi, who was also the senior Larrakia boss of the site. He is survived by his granddaughter Kathleen Presley (KG50).

In 1989, the Belyuen community has an estimated population of 210 comprised of people from seven major language groups: Larrakia, Wadjigiyn, Kiyuk, Amiyanggel, Mandayanggel, Marriamu, and Marridjabin.

Housing for families in the community has been a problem since its early days of when people camped in makeshift tin shelters or outside by camp fires in the old bottom camp. Presently, the Belyuen Town Council is completing two new houses, and has plans for another five or six to be built on the north-eastern edge of the community.

There are about 36 people employed by the Belyuen Town Council and Department of Education in the community. Positions range from mechanic, to cleaner, to teachers' aide. Presently, 40 people are on unemployment benefits, approximately 12 of whom are women.

Outstations

Since 1979 people at Belyuen have attempted to set up outstations in the claim area. Mrs Margaret Rivers, a senior Wadjigiyn now permanently resident in Darwin due to ill health, took out an Occupational Licence on Dum-In-Mirrie Island (Site 1) in 1960 and lived there until Cyclone Tracy in 1974. In 1972 a number of Belyuen residents sought leases for outstations at Milik (Site 38) and Binbinya (Site 45) on the Cox Peninsula.

Brian and Janie Singh established an outstation at Buwambi (Site 31) in 1983 but later abandoned it due to invasion by non-Aboriginal campers and established another outstation at Diamond Creek.

Johnny Singh (KG 3), senior Kiyuk and leading member of the Belyuen Community (past council president and currently Chairman of the Aboriginal Benefits Trust Account), established an outstation at Bakamanadjing (Site 35) in the same year. Buwambi (Site 31) was used for a time as a pensioners' camp but in 1985 its leaders, senior Belyuen women Maudie Bennett and Betty Moreen, moved the camp to Milik (Site 38). These women sought assistance from the Department of Social Security to obtain a lease for the outstation but were advised that they would have to await the completion of the Kenbi Land Claim.

Roy Yarrowen had been attempting to acquire a Special Purpose Lease for some time when we spoke with him in 1979. Although he did camp at Two Fella Creek in 1979 and probably earlier he has since died. Henry Moreen, currently vice president of Belyuen community council, has since taken over the Two Fella Creek outstation. Sam Fejo who also maintained a camp there in the 1960s, has recently returned to the area with his brothers.

Again in 1987 the people of Belyuen applied for a Special Purpose Lease in the Tapa Bay area (to include Bakamanadjing, Site 35). However the Lands Department advised that it was government policy not to grant leases over land subject to an

Aboriginal land claim. At the same time, Lands also advised that because the land sought was 'within an area subject to a planning instrument it is necessary to obtain permits to erect buildings'.

Other permanent outstations have since been established (e.g. at Daliribak, on the coast to the east of Charles Point: Site 48). Temporary camps are also occupied on the Cox Peninsula and Islands throughout the year. Most families at Belyuen spend the Dry season and parts of the Wet at these camps pursuing, among other things, traditional foraging practices.

2.5.2 Economic Use of the Claim Area

The Kenbi Islands have been used as permanent and seasonal camping sites by Aboriginal families since early European explorers and settlers recorded their presence in the 1900s (ibid:200), and of course, much earlier, as recorded both in the archaeological record (perhaps some 20,000 years) and in ethnohistorical accounts from Belyuen and Darwin.

In 1979 senior Wadjigiyn Mrs Margaret Rivers, and her sisters Kitty Moffatt and Rose Cubillo, recalled their own experiences and those of their parents of foraging in the Island chain in the early 1900s (ibid:201). Similar accounts are still told today. The regular patterns in foraging movements, for example, is recalled by Maggie Timber, a senior Marridjabin Belyuen resident who formerly lived on the Islands with her late husband:

> Right around. They used to go from this side of Madjalaba (Site 44), to Charles Point (Site 48) then [Bynoe] Islands, or Buwambi (Site 31) then Islands, keep going sometimes alla way to Peron Island and Balgul. Back up then. Fish 'im, gettim; crab, dugong, yam. Eat 'im all along the way.

Aboriginal use of the Islands has been continuous and unbroken to the present, despite the impact of European intrusion into the area. Archival records show that even throughout the government evacuation of the area Aborigines continued in occupation at such places as Milik (Site 38), Binbinya (Site 45), Bidbinbirrk (Site 59), Madpil (Site 52), Madjalaba (Site 44), Rankin Point (Site 50) and Kabarl (Site 30) (ibid:203).

Currently the people of Belyuen exploit the food resources of the Islands throughout the year, with variation in frequency according to the seasons. During the Wet season families on average forage over the island chain at two week intervals. During the Dry season this increases to virtually every week-end, and up to several times a week during school and work holiday periods. People usually base themselves at one of three coastal outstations, Buwambi (Site 31), Bakamanadjing (Site 35) or Milik (site 38), but often spend considerable periods hunting on the Islands. It is not uncommon for women and children to be taken to the Islands, usually Kabarl (Site 30), and left there while the men go off in the boat to hunt dugong and sea turtle or fish off the reefs throughout the island chain. Typically the women dig for long yams and turtle eggs and fish along the foreshore, or seek out mud crabs in the mangroves. Less frequently the women also hunt small mammals such as possum, echidna, fresh water turtle, snake and goanna further inland. (See separate submission for a fuller account of the island ecology and foraging practices.)

Kenbi 1979 (ibid: 205) lists part of the vast range of foods obtained by island foraging. In a separate submission on the economic use of the Islands evidence is submitted that these foods provide critical nutritional and calorific intakes in the diet of the people of Belyuen.

In addition, the Belyuen Community Council has plans to use sites or the Islands and mainland for economic progress designed to relieve unemployment problems on the community. The Council plans to erect fish traps at Binbinyar Creek and on several island estuarine creeks. Some unemployed Belyuen men and women will work on these fish traps while others will hunt wallaby, buffalo and pigs on Kabarl for the pet meat industry. Private enterprises at Belyuen also make use of the Kenbi Islands. Johnny Singh and others hunt fish and crabs in the mangroves around the Islands and off the island shores which they use for corroborees at the Mandorah Hotel. Crafts men and women such as Sammy Cooper and Susan Rankin paint shells collected on island reefs for the tourist industry. In addition, Billy Risk, a Darwin Larrakia, is seeking funds to set up a tourist operation in Kakadu and on the Kenbi Islands.

The Belyuen community promotes island hunting trips not only for their food resources but also as a means of educating its young in its traditions. This is so strongly felt in the community that its school has for many years included excursions to the islands as part of the curriculum.

Marjorie Bilbil, head of the Women's Resource Centre at Belyuen, recalls one such trip when along with Prince of Wales (KG 1), and others of her class, she went on a school excursion to the Islands. There with the help and instruction of senior men and women, they hunted, collected mud crabs, and dug up turtle eggs. On the way back just as the tide was beginning to go out, the motor failed on the large old barge rented for the day. Realising that they were sitting just above a large reef bed, and fearing that the hull would be ripped by the jagged rocks as the boat settled down, several of the older Aboriginal men went below and began fixing the engine. Meanwhile, the boat without power was casting about, its sides just above the water-line loaded down with all the children and adults. Good-hearted (if dangerous) merry-making reigned as the children screamed and older women wailed. Marjorie remembers in particular that Prince of Wales dumped turtle eggs overboard every time the boat tipped to one side, "just to be cheeky to that old teacher." Soon the motor was fixed and they raced to the mouth of the Woods Inlet and up to the old Belyuen Landing just in time to beat the tide.

Similar enthusiasm and socio-cultural ethos is evident when Larrakia describe their hunting experiences in the Kenbi Islands even though they are not able to visit them as frequently as the people of Belyuen for obvious reasons of distance and time. The following cases demonstrate something of connections with the Islands on the part of Larrakia resident in Darwin.

Annabelle Benton (KG 5) and her family live in suburban Nightcliff but visit and camp in the claim area. She regards this as important for her children, and for similar reasons has bought a block of land in the Berry Springs area which she considered naming after her mother's mother, Yirra.

Barbara Tapsell (KG 17) spent school holidays on the Cox Peninsula along with other Darwin-based Larrakia when she was growing up in Darwin. Her uncle, Victor Williams, regarded it as important for the young in Darwin to get to know their country. Ms Tapsell continues to visit the claim area and has participated in women's ceremonies there.

Sam Fejo lived for some ten years on the Cox Peninsula during the 60s and70s, over six of which he spent at a camp at Two Fella Creek (Site 57) before moving to Kalalak and subsequently to the Larakeah Reserve. Sam has recently returned to his camp at Two Fella Creek with his brother Basho. Another brother, Wally Fejo (KG 30) has also had a long association with the claim area. *Kenbi 1979* (op.cit:187) notes that

Wally when still a young boy "was taken to the Cox Peninsula and taught how to live in traditional ways". Wally explains that he was at the Retta Dixon Home at the time. His uncle, Bobby Secretary, asked the home administrators whether he could take Wally out for the "weekend". They got a lift to Belyuen then walked to Wagait Beach and then took a canoe and visited the Islands. Wally said that Bobby Secretary showed him where to get various wild foods including turtle, crab, cockle, salmon, whiting, bream, red snapper, parrot fish and moon fish at various places on the islands. Wally subsequently returned to Belyuen as a missionary and regularly went on trips to the Islands during his holidays, often accompanying Bobby Secretary and Tommy Lyons (KG 3). Wally remained at Belyuen for approximately four years.

Josephine Rankin (KG 52), who now lives as a widowed pensioner at Bagot with her daughters, spent much of her early life on the Cox Peninsula and regularly visited the Kenbi Islands (see separate submission).

Another Senior Darwin Larrakia, Topsy Secretary, recalled her youth when

> we used to go hunting with our father's dug-out canoe to Quail Island, Duwun (Site 12), Indian Island (Site 30), you know, we used to go there, all of them. They used to kill/get us some turtle and dugong, you could get some fish and crab bring it back give it to the people, you know, at Kahlin beach.

One of Topsy's companions on these trips was another Larrakia, Molly Shepherd (KG 7), a deaf mute invalid who lives in Darwin with her daughter Pauline. Molly is no longer able to travel, but her children visit the Cox Peninsula and Islands annually.

A number of claimants, such as Lorna Lee Talbot (KG 21) were institutionalised in government homes which made visits to the Peninsula and Islands more difficult. During World War II Lorna was reunited with her mother at Belyuen but was again removed by the government authorities when the war ended. During that period Lorna made several visits to the Islands with her mother.

Robert Browne (KG 22) who now lives at Humpty Doo first visited the Kenbi Islands with his mother when he was 14 years old, and estimates that he has made several hundred visits since. Robert is well known in the claim area and often accompanies Johnny Singh and others on dugong and turtle hunts.

Murray Cubillo (KG 43), son of the late Delphin Cubillo, has also made many work and recreational visits to the Islands and Cox Peninsula. When his father was alive he used to take him out to the Islands and he has subsequently visited them many times on fishing trips with Johnny Singh and others.

The children of Rose and Edward Cubillo (KG 42)(deceased brother of Delphin) also frequently visit the Islands and are instructed in their economic resources and sacred significance by Rose's older sister Kitty Moffatt. Kitty, a woman of 71 years of age, is one of the most knowledgeable persons on the ecology and spiritual significance of the coast and island chain between Darwin and the Peron Islands. Kitty was born on Peron Island to a Wadjigiyn mother and Chinese father and was raised by her mother and her Aboriginal husband until removed by Native Welfare to Kahlin Compound at the age of about ten. However, she never lost contact with her mother who regularly visited her and her sisters before embarking on trips up and down the coast as far away as the Peron Islands. Kitty remained in Darwin until she married a white crocodile shooter and spent the next 25 years following the same route her mother travelled between Darwin and the Perons hunting crocodiles. Affectionately known as Captain Moffatt by her sisters' children, she is regarded by the Larrakia as an authority on the reefs and coastline from Darwin to the mouth of the Daly River. Despite her age

Kitty regularly visits the Islands. With reference tc her sister's children, she states that:

> I tell them in the lingo. I tell them the names of the country, they (Rose's children) learn, especially that Gregory.

Other Wagaidj recognised as experts on the Islands include Betty Bilawuk Moreen who has camped and hunted on the Kenbi Islands throughout her life. Betty Moreen's late husband Ginger Moreen, a Kiyuk man, was a skilled hunter throughout the Island area and passed his skills to his son John Moreen. Agnes Lippo a senior Amiyanggel woman at Belyuen is considered very knowledgeable on sites on the mainland and island area, especially in regard to ceremonial sites and matters. Maudie Bennett, the widow of the late Tommy Lyons (KG3), has also had camped on the island throughout her life and holds for her children many of the stories for the area. Maudie is deferred to as the most knowledgeable person in the claim area (ibid: 35-36).

Billy Risk (KG 6) first visited Belyuen as a child with his mother and mother's mother and stayed with Olga Singh's family. Billy, now 33 years old, visits the Islands in his brother's boat six to eight times a year.

Other Larrakia such as the Ally family (KG 19), who have long camped and hunted at Acacia Gap on the Larakeah Reserve, are now expressing a desire to do so in the claim area.

2.5.3 Cultural use of the Kenbi Islands

Some sites of spiritual significance relating to the claim islands have been identified in the site register and site map accompanying this report.

The care and management of these sites was and is intimately associated with the foraging practices of the Larrakia and Wagaidj. In this section we briefly outline the history of the cultural linkage between people and places in the claim area.

The mythology of the Islands

The travels of the principal mythological being, Ngayin.gilmak connect major sites in the Darwin area (Nanggalinya Site 41 and Gundal Site 40, qv Ngayin.gilmak track on site map) with the Cox Peninsula, Belyuen (Site 42) and the islands to the west.

Kenbi 1979 (op.cit:69) noted that this being, sometimes described as a whale (but more often as a hairy sea monster), introduced sacred ritual among the Larrakia. A site on Quail Island is connected with this ritual and is still revered as a "business place" (see separate restricted submission).

A second major dreaming track, Kenbi or Ganbi, similarly connects Darwin with the Peninsula and islands (see site map).

Senior Larrakia Olga Singh, in her description of various sites in the Islands writes (ibid:275):

> [Middle Reef] Igabigit (our Igibidjit - Site 14) is also very sacred to the Larrakia people, because they believe that the Ganbi Dreaming, means bamboo, runs through from Belyuen (Delissaville) right throughout all the islands surrounding.

Accounts of these and other aspects of Larrakia mythology have been recorded since the early 1900s. Accounts by Basedow (1906) and Elkin (1950) concerning myths

associated with two rock formations in the Tapa Bay area (Mangenda– Site 37 and Wariyn – Site 36) are reproduced in *Kenbi 1979* (op.cit:73). Johnny Singh who maintains an outstation at Bakamandjing (Site 35) on the west coast of the Peninsula overlooking these sites offers a contemporary account of their importance:

> They (Mangenda's parents) were travelling with canoe but do the wrong thing. They didn't talk proper way. Should talk proper Larrakia [but they didn't] so Wariyn came out and drowned them.

Other dreamings associated with sites on the Islands include Baler Shell, Blanket Lizard, Wild Passion Fruit, Cheeky Yam, Sea Eagle, Pearl Shell, Plover, Groper, Star, Octopus, White Cockatoo, Trumpet Shell, Turtle and Oyster (see site map and register for details).

Site management

As is implicit in Johnny Singh's account above, there are firm prescriptions as to how people must behave in relation to dreamings on and around the Kenbi Islands if they are to avoid mishap when hunting and fishing. The role of knowledgeable people in educating younger participants in proper behaviour is essential. Raylene Singh (KG 3), who often hunts in the islands with her parents Olga and Johnny Singh and grandmother Maudie Bennett, explains their role:

> Dad has been telling us about sacred sites there and how they used to hunt with a dinghy in the olden times. He told us about Wilarr (Site 16) which is a Cheeky Yam dreaming in the channel. When the tide is coming in and you are going past Maudie has to speak Larrakia to it because it is a Larrakia dreaming.

Similar accounts are recorded in relation to the site Wariyn (Site 36, ibid: 176). Johnny Singh is particularly concerned about this site and when staying at his out-station visits Wariyn every night to make sure that "no white man there..If new fella go there they have to swim in the salt water so that he (the dreamings) can smell him".

Another dangerous site (Site 3) is a deep blue water hole between Dum-In-Mirrie and Beer Eatar Islands. One of the openings of the Kenbi track, this water hole is also an excellent fishing place. People such as Johnny Singh, who hunts there today, explains how one must enter very quietly and their sweat must be well-known to the dreaming; his parents told him, "fish quickly and leave" for, they cautioned, the water pool can capsize boats and drown people.

Personal associations with places and dreamings in the claim area

A person can obtain personal associations with particular dreamings either by inheritance (*durlg*) or by conception (*maruy*). For a fuller discussion see *Kenbi 1979* (op.cit:157-168).

Some examples of *durlg* among the claimants include Crocodile, King Brown and Cheeky Yam (Olga Singh), Sea Turtle (Raylene, Jason and Zoe Singh) and Frog (the Fejos).

Listed below are cases of Belyuen residents with *maruy* in in the claim area, demonstrating the historical continuity of this tradition:

Name	Site	No.	Year of Birth	Language Affiliation
Maudie Bennett	Madjalaba	44	1925	Kiyuk
Esther Barradjab	Wanggigi	58	1930	Wadjigiyn
Audrey Smith	Wanggigi	58	1935	Wadjigiyn

Lenny Singh	Debilibu	48	1936	Kiyuk
Gracie Bianamu	Bidbin-biyirrk	59	1938	Wadjigiyn
David Woodie	Wutut	34	1941	Kiyuk
Winnie Woodie	Binalk	60	1948	Kiyuk
Colin Ferguson	Wutut	34	1950	Marridjabin
Margaret Woodie	Belyuen	42	1951	Kiyuk
Nancy Morgan	Kabarl	30	1951.	Wadjigiyn
Olga Singh	Kidjeriki-djerinyini	50	1952	Larrakia
Stepehn Ferguson	Wutut	34	1952	Marridjabin
Maureen Moses	Belyuen	42	1955	Kiyuk
Ann Kunggul Moreen	Kunggul	51	1956	Mandayanggel
Josephine Edmund	Belyuen	42	1956	Amiyanggel
Nicholas Djerrug	Belyuen	42	1957	Mandayanggel
Lenny Burrburr	Imaluk	44	1957	Mandayanggel
Barbara Bianamu	Belyuen	42	1959	Wadjigiyn
Lynette Bigfoot	Binbinya	45	1959	Amiyanggel
Alfred Woodie	Belyuen	42	1961	Kiyuk
Simon Moreen	Belyuen	42	1961	Kiyuk
Brian Barradjab	Belyuen	42	1963	Wadjigiyn
Marlene Barradjab	Belyuen	42	1964	Wadjigiyn
Deborah Bigfoot	Wulmarr	1	1963	Amiyanggel
Valerie Bilbil	Belyuen	42	1966	Mandayanggel
Norman Barradjab	Belyuen	42	1968	Wadjigiyn
Joseph Barradjab	Belyuen	42	1969	Wadjigiyn
Anthony Bilbil	Belyuen	42	1969	Mandayanggel
Robin Nilco	Midjili	54	1969	Marridjabin
Jason Singh	Madjalaba	44	1972	Larrakia
Marianne Bigfoot	Mibuk	53	1973	Amiyanggel
Clinton Djerrug	Belyuen	42	1983	Mandayanggel
Simeon Bigfoot	Belyuen	42	1985	Amiyanggel
Marita Nilco	Belyuen	42	1987	Mandayanggel
Danielle Kerry Lane	Belyuen	42	1989	Wadjigiyn

Naming

The practice of *ngirawad* or bestowal of personal names is another Larrakia tradition that links people with country. The name can be a place name and can also be shared with another person, and is usually bestowed in a formal ceremonial setting (ibid: 36,38–40)

Senior claimants such as Topsy Secretary have provided Larrakia personal names to a number of younger Larrakia including her late daughter Kathy's children, and Anna Benton and her children.

Burials

There are a number of burial sites on the islands (such as Sites 12, 27, 30) and on the Peninsula (Sites 38 and 58) that provide a personal attachment for the surviving kin.

Today Larrakia burials usually take place in cemeteries but the purificatory rites of "warming" and *kapuk* or "washing" are still practiced (ibid:193). Last year Josephine Rankin held the first rite of "warming" or "smoking" for her recently deceased son. Preparations are well advanced for the *kapuk* which Josephine intends to hold this Dry season:

> We gotta have big ceremony for my big son, I might have it at Kalalak...I'm getting more material, that my material [cloth used in the *smoking* ritual], whole lot, in that office, Joyce she was buy everything for me, but I gotta help Evonne [Josephine's daughter] to buy material now. You see make 30 or 40 like that finish, then we'll ready...You know that milkwood tree (Kalalak) over there, well I was going to have ceremony there see to burn all clothes from my son, cause he was born there. He was born there, I couldn't go hospital, it was too late.

Ceremonies

Interaction between people and places in the claim area is further manifested in ceremony. A detailed chronology of ceremonial activity in the claim area as drawn from the observations of explorers and others from 1870 to 1968 is found at Appendix 1 in *Kenbi 1979* (ob. cit.:265-274). Details of Larrakia male initiation rituals during 1969 to 1979 can be found in *Kenbi 1979* (op.cit:175-189). These include references to ceremonies held in the vicinity of Two Fella Creek (Site 57), Charles Point Lighthouse (Site 48), and Gundal (Site 40), on Quail Island (Site 11), Kidjerikidjeri (Site 50), Belyuen (Site 42) and Imaluk (Site 49). Initiates have included a number of Larrakia such as Sam Fejo and Jason Singh.

Male initiation ceremonies continue in the claim area. Tommy Barradjab is the person mainly responsible for men's ceremonies at Belyuen. As in the past, people from Wadeye (Port Keats) and Peppimenarti come in and participate in these ceremonies. Recently 12 boys went through a circumcision "man-making" ceremony. One of these was Jason Singh, the son of Olga Singh.

Wagaidj elders Maudie Bennett, Agnes Lippo, Betty Bilawuk, Alice Djerrug, and Larrakia elder Josephine Rankin are considered leaders of women's business in the claim area. Although Josephine Rankin's direct participation in women's ceremonies has decreased due to illness she remains an important organiser of ceremonies and a knowledgeable consultant on women's business.

Kitty Moffat resides in Darwin and is a senior Wadjigiyn who participates in women's business. Betty Bilawuk Moreen listed in *Kenbi 1979* as connected to the Danggalaba clan through marriage has important women's ceremonial connections in the claim area as well as the Daly River area. Agnes Lippo usually leads young women in ceremony and other ritual matters.

Coombs, Brandl and Snowden (1983: 379-382) note that the maturation ritual named *nitjkurrum* was held in 1979 and 1980 (also recorded in *Kenbi 1979,* op.cit:180). This Wagaidj institution is similar in many respects to the Larrakia *maniugu* ceremony, and has continued to be practiced at Belyuen. Recent cases include that held from 16 to 25 July 1985 for Julie-Ann Barradjab, the daughter of Esther Jarrim and Tommy Barradjab, and again from 18 May 1986 to 20 May 1986 for Priscilla Yates.

Performances of the *nitjkurrum* ceremony are segmented, with segments dispersed over large tracks of land. The two held in the mid 1980s used various parts of the claim

area including Diamond Creek, Kunggul beach and creek, and the foreshore region near Wariyn. (See separate submission for further details).

2.6. Conclusion

The Larrakia and the Wagaidj are both peoples with a strong coastal or "saltwater" identification. The Wagaidj and Larrakia have been living in mixed camps in and near the claim area for 100 years. Documentary evidence of this co-residence dates from at least 1893 when a lighthouse was established at Point Charles (ibid: 86). Many Wagaidj have conception dreamings on the Cox Peninsula or the Islands, and the two groups are extensively linked by inter-marriage. As is common in Aboriginal Australia, long-term co-residence and inter-marriage between the groups has resulted in the inter-transmission of ceremonial knowledge. As a result of this and their residence on, or near, the claim area, the Wagaidj share the actual custodianship of sites with the Larrakia.

The Larrakia constitute a unique case in the Northern Territory. Being the original landholders of the Darwin town area, they were the Aborigines most visible to the settlers. As a result of this high profile they were the first to learn English, the first to be employed by the settlers, the first to be observed in considerable detail by early ethnographers. The intensity of this contact had the catastrophic results which have been outlined above: disease, depopulation and terrirorial dislocation. The town of Darwin grew up around them, gradually swallowing more and more of their territorial base.

Despite these effects, the Larrakia have maintianed a strong identification with their traditional territory especially with the coastal zone upon which they were residentially and economically focused. The strong coastal associations are also responsible for the marked interconnectedness between traditional Larrakia and Wagaidj residential and subsisitence patterns and the totemic geography of the claim area: sites of significance tend to be concentrated along the coastline.

As land alienation, particularly of the coastal strips has proceeded in the eastern portions of the Larrakia territory occupied by the town of Darwin, the land aspirations of the Larrakia, like their ceremonial life, have become focussed on the western portions lying within the claim area. It is in this context that the importance of the claim to the claimants is most obvious.

CHAPTER THREE:
THE LOCAL DESCENT GROUP

In this chapter we first examine the present status of the Danggalaba, their status having been addressed in detail in Kenbi 1979. Following this we discuss the Local Descent Group which we believe now most adequately fulfils the definition of traditional ownership in the *Aboriginal Land Rights (Northern Territory) Act 1976* – the Larrakia language group. It is this group which in our opinion fulfils the requirements of the Land Rights Act being a local descent group of Aborigines who, (a) have common spiritual affiliations to sites on the Kenbi Islands being affiliations that place the group under a primary spiritual responsibility for those sites and for the Islands; and (b) are entitled by Aboriginal tradition to forage as of right over those Islands. Following this we show why we believe the second of the two alternative groupings – the Larrakia language group – most adequately fulfils the requirements and the definition.

3.1 The Danggalaba

In *Kenbi 1979* the Danggalaba clan was proposed as the local descent group for the Kenbi claim (ibid:25ff).

The members of this group were identified as:
Bobby Secretary (KG2)
Gabriel Secretary (KG2)
Prince of Wales (KG1)
Olga Singh (KG2)
Rachel (or Paula) Thompson (KG3)
Kathleen or Dolphin Minyinma (KG50)

Since 1979 Bobby Secretary and Paula Thompson have died. Accordingly the membership of the Danggalaba clan now consists of Topsy Secretary, Gabriel Secretary, Prince of Wales, Olga Singh, Kathleen or Dolphin Minyinma (now known as Kathleen Presley).

In discussing how this group would constitute a local descent group according to the definitions in the *Aboriginal Land Rights (Northern Territory) Act 1976* the authors of *Kenbi 1979* relied upon principles identified by Stanner in the Warlpiri land claim:

> A small association of persons of both sexes and any ages each of whom is kin to every other person in the group through the paternal and grand-paternal line from a common ancestor or founder. It is characteristically localized or territorially-based in that it is publicly identified with 1) a natural species or phenomenon of its "totem" and 2) a tract or tracts of land, or with one or more places, distinguishable from any and every other such tracts(s) and place(s). (ibid:155).

The constitution of the local descent group is further discussed on in terms of a patritotem or *durlk* (ibid 164).

The Danggalaba clan can be deemed to be a "local" group by virtue of being associated with a publicly recognised territory, as identified by the presence of its patri-spirit, the Crocodile.

The principle of descent is one of patrifiliation. A person is therefore recruited by birth

into his father's group and the members of this group are linked through a shared patri-spirit. The authors again draw on Stanner:

> every member of the patriline is in some sense animated by the "patri-spirit" of his clan, to which he is affiliated (ibid:155).

This shared patri-spirit imbued not only members of the group but also places within its territory, and the group must look after those places and territory. At one level this area is identified in *Kenbi 1979* (164-5) as a sub-territory within the territory of the Larrakia language group confined to:

> 1 - An area located in Ivel Creek and touching upon Bagadjad and Milig, where the Crocodile *durlk* swims about. This mythological being has rocks or oysters on its head, connected with Windir, the place where the Star dreaming begins, west of Dum-In-Mirrie Island;
>
> 2 - That Crocodile is also called *kenbikenbi*, after which this land claim is named. *Kenbi* also means "didgeridu" and "bamboo", and is the underground tunnel linking the islands to the west of the claim area with Indian Island and the Cox Peninsula. From Belyuen it crosses to Kalalak in the Darwin area, where the traditional owners, the Secretary family, now live;
>
> 3 - An area in Bynoe Harbour and on the coast nearby which is the track of the Cheeky Yam, or *Wilar*. This *durlk* goes through to Brabin on the Peron Islands. Another place on the track as it crosses Bynoe Harbour is Djiringili, an island where the mythological yam was first cooked and treated. The area is considered dangerous and has connections with the *gulida* ceremony once very important in this area.

However, the authors of *Kenbi 1979* (op. cit.:65) believed that with the extinction of all other patrilocal groups the Danggalaba has incorporated the entire territory of the Larrakia.

3.2 The Larrakia language group

An alternative model of local descent group and one that was already present in sections of *Kenbi 1979* is the Larrakia language group.

Whatever the situation in 1979, 10 years later the primary basis for constituting a local descent group in the claim area is affiliation through the language label, Larrakia. This term at once refers to a specific group ("we are Larrakia") and to a specific territory ("this is Larrakia country").

The Larrakia language group is 'local' in that it is generally acknowledged as being associated with a publicly recognised and fairly clearly defined tract of country, being the present built up area of Darwin (we forbear from using 'town of Darwin') the Kenbi Islands and the Cox Peninsula.

The mode of recruitment to the local descent group is filiation. This principle may be matrifiliative, patrifiliative or both. This notion of filiation is intended to include adoption following the approach taken in the Nicholson River (Waanyi/Garawa) Land Claim: " 'descent' is not limited to biological descent; it means socially recognised descent and so, for example, encompasses adoptions into the group" (Aboriginal Land Commissioner 1984 para 58).

We believe that the members of this local descent group share common spiritual affiliations to sites on Larrakia land including the Kenbi Islands which place them under a primary responsibility for those sites and islands.

The members of this group also have rights as members of the Larrakia language group to forage on Larrakia land, including the claim islands.

3.3 Ten years on

It was already evident in 1979 that people associated with the claim recognized more generalized connections to country than those of patrifiliation (ibid:31-41). Moreover "it became very clear to us during the research that, while no one disputed the Danggalaba clan as owners, both the members of that clan and others were anxious that all people with ties to land in the claim area be considered. 'We wish we could make this claim as a community,' they told us once at Belyuen. The traditional owners have always been at pains, too, not to exclude others who have been exercising rights and responsibilities in the area, and have always referred us to them" (ibid: 169).

This policy of "inclusiveness" continues and the Larrakia living outside the claim area in Darwin and elsewhere maintain a keen interest in the progress of the claim. These urban Larrakia identify strongly as Larrakia and as having special ties to Larrakia country. Such people will say of Darwin, for instance: "This is our place because we are Larrakia". These claims are recognized by other Aborigines living in Darwin who will say of themselves: "I'm from Cobourg (Peninsula)"; "My country is down around the Daly"; "I'm from Mary River side" etc., but will unequivocally acknowledge Darwin and the Cox Peninsula and Islands as Larrakia, territory. The authors of *Kenbi 1979* spoke a little with urban Larrakia and while they were clearly interested in the possibility of Larrakia gaining land rights they were not sure just what their role should be in this process. The uncertainty was clearly related to the then curent understanding of the definition of traditional ownership.

The active involvement in, and understanding of, the land claim process on the part of Darwin-based people of Larrakia descent has grown significantly from the early 1980s. Among the most active have been members of the Fejo family, the Roman family, the Cubillo family (including Richard Barnes), the May family, the Quall family and the Raymond family. By 1983 the Larrakia Association had been formed. This association, open to people of Larrakia descent, includes land rights issues among its aims but has provided a focus for any issues affecting Larrakia people. Around the same time (August 1983) a group of urban Larrakia wrote to the Northern Land Council seeking to be added to the list of claimants.

Aboriginal people in the Northern Territory have followed the land claims process with close attention. Younger Aboriginal people have become part of the bureaucracy especially concerned with Aboriginal affairs, including in some cases involvement in the monitoring process of land claims carried out by the Northern Territory and Federal Governments. It is not uncommon for some relative to have been directly involved in a land claim.

The Finniss and Malak Malak claims have perhaps excited more interest than any other for the Larrakia. Both claims brought in Aboriginal people who live in Darwin but who maintain close ties with their traditional background and with members of their (extended) family living a more traditional lifestyle. The forceful evidence of people such as Ida Bishop in the Finniss River claim showed urban Aboriginal people that someone who had adopted a lifestyle superficially similar to themselves could nevertheless make a legitimate claim to traditional ownership and be accepted as such by the Aboriginal Land Commissioner. The outcome of these two claims appears to have led the Larrakia to a reassessment of the term "traditional" with respect to land claims. In the Kenbi Claim members of the Danggalaba clan had always been very

accepting of the inclusion of other Larrakia. But the progress of the land claim made it clear to these Larrakia themselves that the acceptance they had always expected and received from the Danggalaba clan might well be forthcoming from the land claim process.

The association of all Larrakia to Larrakia land had been readily acknowledged by other Aborigines in 1979: it was less clear how non-Aborigines would react. In Kenbi 1979 a relatively narrow interpretation of the requirements of the Act was adopted: the patrilineal clan. In the intervening period the land claim process has demonstrated that a wider range of social and cultural phenomena may fall within the purview of the Act. This recognition by non-Aborigines encouraged more Larrakia to come forward as claimants for the Kenbi area by 1989.This is the outcome of a continuing and widely accepted recognition of the rights of Larrakia people to Larrakia country.

Members of the Danggalaba clan are very willing to have this larger group listed as claimants. Moreover this acceptance is not inconsistent with the course taken in 1979: the urban Larrakia continue to acknowledge the pre-eminent status of the Danggalaba clan and refer to them as the "traditional owners" of the claim area. But this is not "traditional owners" in the sense of the *Aboriginal Land Rights Act* in which the usage is much broader, recognizing anyone as traditional owners who satisfies certain conditions. The local, non-Act sense of "traditional owners" is more restrictive referring only to members of the Danggalaba clan, particularly Tospy Secretary, Olga Singh and Prince of Wales. However, the larger group can be shown to form a local descent group with responsibility for sites on the land and to satisfy the requirements of the *Aboriginal Land Rights Act*. This local descent group expresses its connection to country at a higher level of generality and, of course, includes as a small but very significant subset members of the Danggalaba clan

3.4. The language model and land claims in the Darwin hinterland

It is probably no accident that all the land claims in the Darwin hinterland have invoked a language group model for local descent group constitution. In each case – Finniss, Daly River, Kenbi, Upper Daly, Alligator Rivers Stage II and Wulna – there is a history of a sudden, sharp decline in Aboriginal population following non-Aboriginal contact. It has been argued that prior to this depopulation there were more or less clearly defined, small-scale local descent groups which owned particular estates However, over a period of time a wider group has come to be prominent mainly because of the extinction of these various patrilineal (or at least patrifilial groups). Peter Sutton has described it as 'a creative solution to the problem of depopulation' (quoted in Aboriginal Land Commissioner 1982 para 72). Here in Kenbi, as in the Jawoyn case (Aboriginal Land Commissioner 1988: 9), the wider language group has become pre-eminent, even while patrilineal groups remain extant but diminished in importance.

Is this the only solution available to deal with a demographic crisis in Aboriginal Australia? It seems unlikely. Without trying to review the literature for other solutions we would argue that it is no accident that the same solution has been sought by the people associated with six different claim areas. In our view, the seeds of this common solution have been germinating for a long time and it is the common impetus of a demographic crisis which has caused the same result in each case.

It is easy to document that the Aboriginal population of the Darwin hinterland was severely affected by non-Aboriginal incursions. Some lineages which were once

associated with certain tracts are now extinct: we can assume, for instance, that there were once clans associated with dreaming sites within the overall Kenbi claim area e.g. Garngarn (Sea-hawk, Site 24) and Muyin (Wild Dog, Site 48) (ibid:68) and that these clans are now extinct. Older people can refer approximately to the tracts of land associated with some dreamings e.g. Iyngarrayn (Sea-turtle Dreaming) around Mica Beach (Madjalaba, Site 44). Generally these territories are no longer well-defined but they all fall within the overall Larrakia Territory which is relatively well defined. As some clans have become defunct there would have been incorporation of their estates into those of with other more prominent (and surviving) clans. In the case of Kenbi the Danggalaba clan has become pre-eminent.

Attendant on this incorporation of territory has been a shift from patrifiliation to filiation, thereby offering alternative opportunities for an individual. The person can 'follow father's side' or 'go mother's side'. In the Upper Daly Land Claim Professor Sansom, the anthropologist advising the Aboriginal Land Commissioner, observed that an individual's group affiliation would be a function of that person's biography – a series of events and experiences in life would so to speak, cumulate to place that person in a descent group whether mother's or father's (1985: 11) Sansom notes an apparent difficulty here in that without knowing an individual's life history in a strict sense of the word, filiation as a principle of recruitment is then seen as ambiguous with regard to ultimate group membership (1985: 11).

However Sansom goes on to point out that this difficulty/ambiguity is illusory:

> 'It is the helicopter survey of regional kinship that yields apparent ambiguity. For the claimants, things are unequivocal from the point of view of a particular group (the "inside view") there is really no question whether the individual comes from father, from mother or both, that individual is claimed by the group. This can be looked at as a one-sided view and one implication is that a particular individual may be involved in a kind of 'tug of war': 'members of a neighbouring group may well take the same but contradictory view and regard claimant X as truly one of theirs. The regional system of kinship is characterized by this contradiction which is the product of inter group competition for members in the interests of group survival' (1985: 12).

Much of what Sansom has to say about the Upper Daly is directly applicable to Kenbi. These remarks become especially relevant when the actual claimant group is being determined.

3.5 The claimant group: presumptive versus actual claimants

In determining membership of a local descent groups Sansom advised Mr Justice Kearney that 'one proceeds from a **genealogical descent group** that ... is ... made up of presumptive claimants. These are people who have qualified for claimant status by virtue of descent. The local descent group made up of actual claimants is produced by eliminating only those presumptive claimants who have disavowed their birth-right, usually indicating disavowal by assumption of an alternative identity in a different local descent group (1985:12). This is consistent with and generally derives from the arguments put by Athol Chase, an anthropologist for the claimants in the Upper Daly Land Claim in his evidence to the Aboriginal Land Commissioner (1985:1827-31).

In the case of Kenbi there seem to be at least three means of limiting the set of presumptive claimants to a subset of actual claimants:

(a) Self-disqualification through 'patrilineal bias'. For example, Gabe Hazel-

bane (KG 41) is presumptively Larrakia through his mother, Martina Hazelbane (KG 35), but is presumptively Warai through his father. As he puts it "We knew that we could go two ways but we made our decision back at Finniss River". So he and his descendants have chosen to be **actual claimants** in the Finniss River Land Claim and in the event were found by the Northern Land Council to be traditional owners as Warai. We describe this form of selection as 'patrilineal bias' because people may well say "We always follow father" even though the link to father is merely patrifiliative. In the case of Gabe Hazelbane, for example, his identity as Warai derives from a matrifiliative link at grandparent level. In other words there may be an ideology of patrilineality which does not match the actuality of a person's genealogical descet. This is a legitimate act of choice based on an individual's life history and in this case sanctioned not only by the Aboriginal 'jural public' but also by the Full Council of the Northern Land Council.

(b) Self-disqualification through choosing the 'alternative option'. For example, a person with a Larrakia father and an Arrernte mother might choose to follow the mother's side particularly in a situation where the parents have become estranged and the children have been brought up with the mother's relatives from an early age.

(c) Self-disqualification through disavowal of one's Aboriginality: "I'm not Larrakia (I'm not even Aboriginal); I'm Filipino".

In summary, the actual claimant group for Kenbi is a subset of the genealogical descent group which identifies a group of presumptive claimants through a principle of filiation (biological or social).

3.6 Common Spiritual Affiliation

Our research indicates that the members of the Larrakia language group do have common spiritual affiliations to the sites in Larrakia territory, including the Kenbi Islands.

In the case of Larrakia territory we believe that common spiritual affiliation must be viewed in local terms. Urban Larrakia have shared beliefs about the spiritual significance of sites in the immediate Darwin area to a greater extent than they do for sites in the claim area. A Larrakia, such as Gary Lee, learnt the stories about places such as Nanggalinya (Site 41), Gundal (Site 40), Kalalak (Site 43) and Sunrise Rock from the old people as he was growing up and shared that knowledge with his contemporaries. He also regards the Kenbi area as Larrakia Country but does not know it as well. He nevertheless knows about Point Margaret and the former ceremonial ground at Two Fella Creek(Darlamanamaning). To this extent we believe that Gary Lee satisfies the requirement that put by the Land Commissioner when he said "the members of the group must possess, more or less equally, associations of a spiritual nature with sites on the land in question" (1980: para 124)

The phrase 'more or less equally' is crucial in the consideration of different levels of knowledge that can be associated with common spiritual affiliation. When the Larrakia operated in the past as members of a local descent group they would have normally been affiliated with a particular estate and set of dreamings. Those dreamings provided the local link of a dreaming place to other sites in Larrakia country through dreaming tracks. In the Larrakia case, personal dreamings have all but disappeared and we have argued that the language based organisation of country has prevailed.

This development is given substance by behaviour at particular sites and by the transmission of personal names. The Larrakia know that certain sites are dangerous to, and must be avoided by, women and children, while men should keep clear of other sites (e.g. Wariyn site 36, Djirringili site 17, Bridjibin site 13). People also maintain common links with earlier generations of Larrakia through personal names. Individuals in recent generations have been assigned Larrakia names by older Larrakia such as Bobby Secretary and Topsy Secretary.

Knowledge of sites and significance of country combines to be passed from Larrakia elders to juniors. For example Bobby Secretary took Wally Fejo when still a boy to the Islands and together with Tommy Lyons and other senior men educated Wally in the spiritual and economic significance of the Islands. Wally explained that Bobby Secretary exhorted him: "You get to keep that in your mind and in your heart, to keep on remembering it you draw it in the sand", so that he would be able 'to give it (the knowledge of the Islands) to the next generation'.

3.7 Primary Spiritual Responsibility

These common spiritual affiliations to sites on Larrakia land place the members of the Larrakia language group under a primary spiritual responsibility of those sites and that land, including the Kenbi Islands.

We have already intimated that for Larrakia territory primary spiritual responsiblity is a corporate issue. Although responsibility for particular parts of Larrakia country is exercised differentially, overall spiritual responsibility is held by the totality of Larrakia. That is, while all claimants have primary spiritual responsibilities for the combined Larrakia territory, the day-to-day exercising of this responsibility is carried out at a local level.

At present the day-to-day exercising of primary spiritual responsibility is mainly concerned with ritual, site custodianship and the control of access to information about land.

Factors such as age, sex and accrued knowledge play an important role in the exercise of spiritual responsibility. Clearly a five-year-old child of either sex could not occupy any significant role here, but as people become older, some, according to their personal ability, will come to exercise primary spiritual responsibility publicly. The late George Munggalu and the late Roy Yarrowen both had personal charisma combined with a deep knowledge of country and ceremony which propelled them into major roles in the public exercise of spiritual responsibility.

In the Kenbi situation essentially the same set of parameters decides the way in which some individuals exercise spiritual responsibility more than others. Some older male members of the Fejo family (KG 25) such as Francis ("Basho"), Sam, Willie, and Jim have been looking after the country in the Larakeah Reserve area where they have lived for some years. Within the Darwin city area people such as Topsy Secretary, Richard Barnes, Tibby Quall and members of the Larrakia Association have been protecting sites. Within the claim area people such as Olga Singh, Prince of Wales, John Singh and Maudie Bennett and others have been carrying out these duties.

3.8 Right to Forage

The members of the Larrakia language group have the right to forage over Larrakia land including the Kenbi Islands. The foregoing should amply demonstrate that this is the case.

CHAPTER FOUR:
STRENGTH OF ATTACHMENT

4.1. Attachment

Changing circumstances may result in new expressions of attachment, both as observed by the Aboriginal Land Commissioner in the case of the Finniss River Land Claim (1981: Para 257): "the maintenance of a land orinted culture despite displacement and the pressures of European settlement may imply a strong traditional attachment to land even though some of the indicia of traditional life may have been lostThe claimants demonstrate their attachment to the Kenbi Islands in a host of ways, details of which are found in the preceding sections. In summary, attachment is demonstrated by their use and occupation of the Islands for a range of cultural and economic activities including burials, ceremony, foraging and the education of their young (see 2.5).

Collectively the claimants express their emotional attachment to country in new ways which arise out of the acculturation of some of them and the recent institutionalization of land protection. For example, claimants attend meetings concerning their country, some serve as local representatives for the Northern Land Council, some participate in the Larrakia Assocation, some make representations by phone and letter to the Northern Land Council and the Aboriginal Sacred Sites Protection Authority.

4.2 Desire to live on the Land

Many Wagaidj and Larrakia currently live on the claim area and are particularly eager to establish secure tenure for their outstations and camps on the coast of the Cox Peninsula and Islands. Even more who would probably continue to live elsewhere, are eager to secure holiday and foraging camps which they use from time to time, commuting from their permanent residences, mostly in Darwin.

CHAPTER FIVE: ADVANTAGE

Categories of persons other than the claimants who would be advantaged by the grant of the Kenbi Islands have been identified in a separate submission. In that document we have taken perhaps the unusual step of identifying by name the members of one of those categories: the residents of Belyuen.

The people of Belyuen or Wagaidj as we have often chosen to call them, have through residence, intermarriage, birth and ceremony a very intimate relationship with the Kenbi Islands. They and their forebears have been living and hunting on the Islands and the Peninsula for more than one hundred years. However,Aboriginal use of various areas of the Islands has been interrupted throughout this period. Mitchelmore's plantations on Dum-In-Mirrie and Grose Islands restricted Aboriginal movement in the late 1800s and early 1900s. RAAF bombing of Quail Island disrupted economic and ritual activity there from the mid-1900s onward. Presently Max Baumber's Occupational Licence and airstrip on Wulmarr (Site 1) has all but curtailed Aboriginal cultural and hunting activities there.

The Islands continue to be of great economic and spiritual significance to the Wagaidj as well as the Larrakia. The grant of the claim would therefore have obvious advantages to both groups. It would enhance their ability to protect the Islands and in particular the sacred sites found there. Most importantly the claimants believe a grant of the Islands will provide cultural and economic security for present and future generations.

In the words of Topsy Secretary:

> So when they get old all Johnny Singh mob the young generation might go out hunting for their food, you know, still got to keep on all the blackfella food instead of going forward to white people's food otherwise they might say we'll build up money and we'll buy our own food things like bread, see they want to go to both sides for bush tucker and the white man's tucker, that's what I'm thinking, and if they let some people, white people get in there and black man want to go and hunt they might say, "Eh! Get outa my land! This my property." Then they got nothing to go and get some wild food now. Still going to help Olga. She's battling hard. Give the land away where's the blackfella going to stop? The blackfella was born this country, drift around go and find own food, you the food that God gave us before. Well the world is changing getting to be a bit greedy for the land, now eh? Especially for money. That land, blackfella didn't bother about it for money in the first place you know they was happy for hunting and all that and when the money come to them they learn ,they getting more worse ,as long as they got a piece of land to live on .

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